UNITED STATES DISTRICT COURT **MAGISTRATE JUDGE'S MINUTES**
SOUTHERN DISTRICT OF CALIFORNIA - Yuma

CLOSED

DATE: 2/13/08 CASE NUMBER: 08-15259M-SD

USA vs. Pablo Martinez-Cruz

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney ______________________ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Matthew Johnson (AFPD)
MATERIAL WITNESS(es): ______________________
MATERIAL WITNESS(es) state true name(s) to be: ______________________
Attorney for Material Witness(es): _

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 2/11/08
☐ Financial Afdvt taken
☐ Rule 5(c)(3)

☒ Initial Appearance
☐ Defendant Sworn
☐ Defendant states true name to be ___. Further proceedings ORDERED in Defendant's true name.

☒ Appointment of counsel hearing held
☐ Financial Afdvt sealed

DETENTION HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset Set for: Before: ☐ Defendant ordered temporarily detained in the custody of the United States Marshal ☐ Defendant ordered released ______ ☐ Defendant continued detained pending trial ☐ Flight risk ☐ Danger	**IDENTITY HEARING:** ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Warrant of removal issued.
PRELIMINARY HEARING: ☐ Held ☐ Con't ☐ Submitted ☐ Reset ☐ Waived Set for: Before: ☐ Probable cause found ☐ Dismissed ☐ Held to answer before District Court	**STATUS HEARING:** re: ______ ☐ Held ☐ Con't ☐ Reset Set for: Before:

Other: The defendant's native language is Zapoteco and could not comprehend proceeding. Government moves for a dismissal of complaint. Defense has no objection. Court grants motion and dismisses case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

2/11

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Pablo MARTINEZ-Cruz
Citizen of Mexico
YOB: 1982
A94 374 785
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15259M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about February 11, 2008, near Andrade, California in the Southern District of California, Defendant Pablo MARTINEZ-Cruz, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant
Ross Andres
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

February 13, 2008 at Yuma, Arizona
Date City and State

Jay R. Irwin, U.S. Magistrate
Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Pablo MARTINEZ-Cruz

Dependents: None

IMMIGRATION HISTORY: The Defendant is an illegal alien **and has been apprehended by the Border Patrol on 9 prior occasions.**

CRIMINAL HISTORY: None found.

DATE LOCATION	**OFFENSE**	**DISPOSITION**

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. Agents determined that the Defendant is an undocumented National of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant is being presented for prosecution proceedings under "Operation Streamline." The Defendant entered the United States from Mexico through a designated "zero tolerance zone."

The Defendant last entered the United States illegally without inspection near Andrade, California on February 11, 2008.

Charges: 8 USC§1325 (Misdemeanor)

Signature of Complainant

Sworn to before me and subscribed in my presence,

February 13, 2008

Date

Signature of Judicial Officer